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Montserrat

Working paper prepared by the Secretariat

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The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter of the United Nations. It is administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Adrian Derek Davis (took office in April 2011).

Geography: Situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km².

Exclusive economic zone: 7,582 km².[a]

Population: 5,000 (2012 estimate).

Language: English.

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay.

Head of territorial Government: Premier Reuben Meade.

Main political parties: Movement for Change and Prosperity; New People's Liberation Party.

Elections: Last held in September 2009; next elections to be held in 2014.

Legislature: Nine-member Legislative Assembly.

Gross domestic product per capita: $9,343 (2010).

Economy: Financial services, investments, construction.

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America.

Unemployment rate: 14 per cent (2011 estimate).

Monetary unit: Eastern Caribbean dollar (EC$ 2.7 equals $1).

Brief history: Columbus named Montserrat after a monastery in Spain. The first European settlers arrived in 1632 and were mostly Irish. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on St. Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown Colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for crown colony status rather than associated statehood.

[a] EEZ data from "Sea Around Us" Project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, political and legal issues

1. Under the Montserrat Constitutional Order 2010, which came into force in September 2011, Montserrat has a Governor appointed by the British crown, a Cabinet and a Legislative Assembly.

2. The current Governor took office in April 2011. He is responsible for internal security (including police), external affairs, defence, public service and the regulation of international financial services. Under the Constitution, the British crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Montserrat.

3. The Cabinet consists of the Premier, three other Ministers, and the Attorney General and a Financial Secretary. The Deputy Governor may attend but does not have the right to vote. The Cabinet is presided over by the Governor and is responsible for the general control and direction of the Government and is collectively responsible to the legislature.

4. The Assembly consists of nine members. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. The most recent elections were held in September 2009, after which the Movement for Change and Prosperity formed a Government headed by Reuben T. Meade, who in September 2011 became the first Premier of Montserrat. Subject to the Constitution, the legislature also has the power to make laws for the peace, order and good government of Montserrat.

5. The law of Montserrat comprises primarily legislation enacted by the legislature of Montserrat; certain Acts of the Parliament of the United Kingdom extended to Montserrat; Orders in Council made by the British crown in the Privy Council; and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine member States, including Montserrat. Montserrat's final appeal in civil and criminal matters is to the Judicial Committee of the Privy Council. A Commercial Division of the Supreme Court, opened in 2009 in the British Virgin Islands, serves the Eastern Caribbean jurisdictions, including Montserrat. The British Overseas Territories Act 2002 provides for the granting of British citizenship to "British Overseas Territory citizens".

6. Efforts to modernize the Territory's previous Constitution first started in 2002, with the creation of a Constitutional Review Commission, which subsequently prepared a report that was debated in the Legislative Council in 2005. Talks between the territorial Government and the Government of the United Kingdom resulted, in 2010, in the drafting of a constitution order for public consultation, which took place from May to September 2010 and included a three-month public information campaign by a Constitution Implementation and Advisory Committee.

7. In October 2010, the then Legislative Council approved the draft constitution, which was then submitted by the Government of the United Kingdom to the Privy Council, which made the Montserrat Constitution Order 2010 the same month. At the same time, according to media reports, the Leader of the Opposition in the Territory alleged that the new territorial Government had rushed constitutional

changes through the then Legislative Council without adequate public consultation. On 20 October 2010, the new Constitution was laid before the United Kingdom Parliament. The Government of Montserrat worked to update the relevant parts of its legislation so that the Constitution could come into force. The new Constitution finally came into force in September 2011.

8. The new Constitution, the text of which was made public in a variety of ways, including on the Internet, enhances the relationship with the United Kingdom and spells out the fundamental rights and freedoms of the people of Montserrat. The new Constitution includes provisions devolving significant new powers to the Government of Montserrat, with provisions that aim at strengthening the fundamental rights and freedoms of those living in the Territory, regulating public financial management and promoting high standards in public life.

9. Other modifications reflected in the new Constitution include the change of the post of Chief Minister to Premier, the enshrining of the position of Deputy Governor and Leader of the Opposition and the establishment of a national advisory council to advise the Governor on matters of defence, external affairs, internal security and the use of reserved powers. The Council consists of the Governor, the Premier, one other Minister, the Attorney General, the Financial Secretary and the Leader of the Opposition, who heads the Public Accounts Committee, shares in the selection of the public service and the electoral commissioners, and is a member of the National Advisory Council. A number of new provisions are aimed at improving the legislature and enhancing the chapters on human rights, public finance and public service standards.

10. According to the territorial Government, the functions of the Governor also changed as a result of the new Constitution. For instance, the Governor is mandated to consult with the Premier on many matters regarding the appointment of senior public servants, including the Deputy Governor, the Financial Secretary and the Commissioner of Police. Furthermore, the Governor is obliged to consult the Chief Justice on the appointment of the Attorney General, the Director of Public Prosecutions, magistrates and other offices requiring legal qualifications. A Mercy Committee is to reduce the discretionary powers of the Governor in clemency matters, and the Governor is expected to discuss with the territorial Government the operations of the areas falling under his remit. The ministers were also to obtain the approval of the Premier, rather than the Governor, for all absences from the island. A new Deputy Governor was appointed in November 2012.

11. Speaking at the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: current realities and prospects, held in Quito from 30 May to 1 June 2012, the Premier of Montserrat said that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet of Ministers. Furthermore, he stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice and the people of the island did not see themselves as being a colonized people. The Premier recommended that the Special Committee on Decolonization remove

Montserrat from their decolonization discussions. Resources should focus on sustainable development issues pertaining to the Territory.[1]

II. Budget

12. The Montserrat public sector continues to be dependent on budgetary aid from the United Kingdom, which ensured approximately 50 per cent of the recurrent budget in 2012. According to the Government of the United Kingdom, the budget for the period from April 2012 to March 2013 amounted to EC$ 101 million in recurrent expenditure and EC$ 36.9 million for developmental purposes. During 2012, the Government of Montserrat continued its privatization programme.

13. Individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. Companies pay a 30 per cent tax on profits, but there is no capital gains tax. In 2011, the service tax and the consumption tax, with its multiple rates, were replaced by a general consumption tax of 15 per cent, applied to all internal and external services.

III. Economic conditions

A. General

14. According to Economist Intelligence Unit estimates, the gross domestic product (GDP) for 2012 was about $64.9 million. In 2011 GDP grew by 1 per cent, following a 6 per cent decline in the previous year. This performance reflected an increase of 30 per cent in construction, a 35 per cent increase in mining and quarrying and an increase of 40 per cent in agricultural crop production. On the basis of data from the first six months of 2012, key sectors showed some growth, with tourist arrivals up by 15 per cent.

15. There are approximately 200 private business establishments in the Territory, 25 per cent of which are involved in the provision of financial, professional, personal and other household services. The 2012 Montserrat budget statement indicates that the Government has arranged a study to assess insurance possibilities regarding volcanic damage, in consultation with regional insurers and global reinsurers, in the hope of putting in place a workable instrument that will encourage local and international investments in Montserrat.

B. Agriculture and fisheries

16. As a result of ongoing volcanic activity, the majority of fertile agricultural land, pasture and fishing areas are still either restricted or inaccessible. According to the Government of the United Kingdom, a project to install polyethylene tunnels began in 2011 and continued in 2012 on the land still available for farming, in an effort to increase agricultural production.

[1] The full text of the statement is available from www.un.org/en/decolonization/pdf/crp_2012_montserrat.pdf.

17. According to the administering Power in 2012, agricultural crop production increased by some 40 per cent compared to 2011. Fish and livestock production also increased. Construction of a new hydroponics farm also began in 2012.

18. The territorial Government continued to focus on agriculture as a key area in which to build its self-reliance policy. Initiatives include employment opportunities and greater local production, notably through backyard gardens and increased acreage being devoted to cultivation. Agricultural programmes were reinstated in the island's primary schools.

19. In 2012, Montserrat participated in the regional conference for the Caribbean Regional Fisheries Mechanism, at which planning for sustainable fisheries and disaster risk management were discussed along with climate change issues.

C. Financial services

20. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as central bank for Montserrat. Montserrat is part of the Eastern Caribbean Stock Exchange and the Caribbean Financial Action Task Force, the body that monitors anti-money-laundering activities and works to counter the financing of terrorism in the region.

21. A range of banking facilities is provided by operations in Montserrat, including by two commercial entities, the Bank of Montserrat and the Royal Bank of Canada, as well as several international banks. There is also one Credit Union in the Territory.

22. During 2012, the territorial Government continued to enhance corporate governance of the financial services industry in cooperation with the Territory's Financial Services Commission to regulate international banks, insurance companies, money service providers and cooperative societies.

D. Tourism

23. The redevelopment of the tourism industry continues to be a priority for the territorial Government. Despite weather- and volcano-related disruptions earlier in the year, tourist arrivals increased by 1.5 per cent in 2012 compared to 2011. Hotel and restaurant services saw growth of 10 per cent while the number of stay-over tourists increased, owing mainly to celebrations of the fiftieth anniversary of the Christmas Festival.

24. Montserrat launched an online visa application system and released an updated "2012/2013 Guide to Montserrat" for visitors.

E. Construction and housing

25. In 2012, construction activity increased by approximately 30 per cent, owing mainly to the commencement of projects to build new headquarters for the Departments of Social Security and Public Works and new school buildings. Construction of private housing also increased.

26. As previously reported, the territorial Government issued a physical development plan for the period from 2013 to 2022. The plan maps out the Government's vision for developing the north of Montserrat and provides a framework to help meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development, including through public feedback exercises.

27. Two public sector projects, a housing development project in Lookout and the public market, part of the Little Bay development project, continued in 2012. The Little Bay area is designated to function as a new urban centre and a new national museum opened there in the first quarter of 2012.

F. Utilities and communication

28. The company Montserrat Utilities Limited is responsible for the distribution of water and electricity. The entire population has access to Montserrat's plentiful supply of good potable water and about 98 per cent of residents are connected to the water system. The water section of the Montserrat Utilities Limited also has responsibility for sewage treatment in some areas, notably Lookout and Davy Hill.

29. According to the administering Power, the territorial Government continues to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. For instance, research is under way to determine the geothermal potential of the island. Preparatory work on the site to be used for drilling for geothermal research was completed in 2012 and drilling is expected to commence in 2013.

30. In 2012, the Caribbean Development Bank funded a study conducted by the Organization of Eastern Caribbean States (OECS) analysing consumer energy usage in order to develop recommendations for greater energy efficiency in the Caribbean. A Canadian expert was deployed to collect data for the study, which is expected to assess such factors as household appliances, light usage and transportation energy uses.

31. In 2012, a ferry service continued to operate between Montserrat and Antigua and Barbuda, which are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace. E-mail is widely used and digital subscriber lines have been introduced. A regular postal service between Montserrat and all countries is maintained.

IV. Social conditions

A. General

32. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. Social welfare services in Montserrat include monthly financial assistance, rental assistance and one-time assistance for basic items. All social welfare assistance cases are means-tested to

determine the financial situation of individuals or households and whether they qualify for assistance.

B. Labour

33. According to the administering Power, the working population of Montserrat stands at about 2,500, comprising approximately 50 per cent nationals. Labour relations are governed by the Employment Act (revised in 2002), under which the Labour Department provides mediation and conciliation services, with the Labour Tribunal settling disputes. The Montserrat Allied Workers Union provides representation for workers outside of the public service. There is no minimum wage legislation.

34. The territorial Government addresses the entrenched shortage of skilled labour by providing relocation incentives to nationals and granting work permits to non-nationals in order to meet the demand for professional and other skilled labour. The granting of work permits is covered under the Immigration Act 2002. An expatriate employee's family may accompany the employee to Montserrat.

C. Education

35. Montserrat has educational infrastructure and services that provide full access to primary and secondary education, with 72 students graduating in 2012 from the only Government-owned secondary school. The Department of Education is structured into several specialized organizational segments, including early childhood education, primary education, secondary education, post-secondary education, special needs, teacher training and education support services. There are several Government day-care facilities and nursery schools and one privately owned early childhood facility. The Montserrat Community College in Salem offers programmes for students aged 16 to 18, as well as nursing education and some technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate college students can study for a variety of long-distance degrees from the University. Citizens from the overseas territories benefit from the home student fee rate at British universities.

36. According to the administering Power, there were several positive developments in 2012 in the education sector, including the completion of a building at the Lookout Primary School, increases in annual attainment test averages, a curriculum review and a financial sustainability improvement plan for the Montserrat Community College.

D. Public health

37. The Department of Health is responsible for providing primary and secondary health services to the territorial Government, including foster care, as well as health-related policy advice in such areas as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, the elderly, pregnant

women and Government staff, and provides highly specialized health services through arrangements for a number of specialists to visit the island.

38. According to the 2012 budget statement, the Ministry of Health is implementing a telemedicine initiative to allow medical professionals in hospitals to gain access to the advice of outside specialists through electronic technology. Health education was provided throughout the period in oncology and sexually transmitted diseases, with considerable local and external support. Life expectancy in the Territory is estimated at approximately 73 years.

39. Montserrat's health facilities include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and minor operations, as well as several primary care clinics. According to the administering Power, plans to expand the hospital were expected to come to fruition in 2013. Arrangements are in place for a service to provide emergency medical evacuation to Antigua and Barbuda and Guadeloupe.

40. In a communiqué dated 5 December 2012, the Joint Ministerial Council, a body bringing together the political leaders and representatives of the United Kingdom and its overseas territories, including Montserrat, expressed agreement on the importance of health security and on achieving compliance with the requirements of the International Health Regulations, an international legal instrument binding on 194 countries, including all States members of the World Health Organization, by June 2014. Furthermore, the participants agreed to identify and make use of all available sources of assistance, in particular from regional and global health organizations such as the Pan American Health Organization and United Nations agencies, to share best practices on health strategies and processes, with special emphasis on the treatment and care of non-communicable diseases, and to improve representation of the territories and linkages with global and regional health bodies.[2]

E. Crime and public safety

41. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention, and partnership in the criminal justice system. The police have an internal training unit and all new officers are trained on the island, resulting in substantial savings compared with the previous practice of having officers attend the Regional Police Training College in Barbados. In 2012, three murders were reported.

42. Criminal offences are dealt with under the Penal Code of Montserrat, revised in 2002. Under the Parole of Prisoners Act 2004, a Parole Board reviews cases for the release of prisoners into the community on licence and makes recommendations to the Governor.

[2] The communiqué is available from https://fco-stage.fco.gov.uk/resources/en/pdf/uk-ot-communique.pdf.

F. Human rights

43. The Territory's Human Rights Committee, established in 2005, helps to fulfil Montserrat's responsibilities in meeting the reporting requirements under various international conventions, monitors their implementation and advises the Government on matters related to human rights.

44. Under the new Constitution, provision is made regarding the fundamental rights and freedoms of the individual. The following international human rights instruments have been extended to Montserrat: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination. According to the administering Power, training has been provided on the Convention on the Elimination of All Forms of Discrimination against Women, which has not yet been extended to Montserrat.

45. According to the Foreign and Commonwealth Office report entitled *Human Rights and Democracy*, issued in 2012, the protection and promotion of human rights in each territory is primarily the responsibility of the territorial Government, while the Government of the United Kingdom is ultimately responsible for ensuring that the territories fulfil their obligations arising from international human rights treaties that have been extended to them.

V. Environment and volcanic activity

46. Following the 1995 eruption of the Soufrière Hills volcano, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the eruption in February 2010, the volcano has been quiet. The Montserrat Volcano Observatory website contains information on hazard levels and a map of the various zones.

47. According to the administering Power, work continued in 2012 on repairs to bridges, roads and culverts that had been washed away by flooding and landslides caused by the passing of Hurricane Earl in 2010. In 2013, a three-year Coral Cay Conservation project is expected to start in the Territory, in partnership with the Royal Society for the Protection of Birds, which has been working in Montserrat for several years. The project will allow volunteers to study and gather data about the mountains of Montserrat, down to the coastline and ocean, with a view to protecting coral reefs and tropical rainforests.

VI. Relations with international organizations and partners

48. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. As previously reported, the Territory maintains a bilateral dialogue with the International Monetary Fund, involving the Territory's public sector, banking, business and union representatives.

49. Montserrat is a founding member of both the Caribbean Community and OECS, and a member of the institutions associated with those organizations,

including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank. In 2012, Montserrat participated in the inauguration of the OECS Assembly, which was established under the Revised Treaty of Basseterre to support the legislative work of OECS. Montserrat is represented in the Assembly by three members of the legislature, with representation from both Government and the parliamentary opposition, including the head of Government and the leader of the opposition. The Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

50. In December 2012, the Joint Ministerial Council issued a communiqué, as stated in paragraph 40 above. The political leaders and representatives of the United Kingdom and the overseas territories stated that they had reached agreement to work together to, among other things, further develop links with the United Nations and its agencies and regional partners, in particular in the Caribbean, and expressed the belief that the Special Committee should delist territories where that was their wish.

51. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. Under the tenth European Development Fund of the European Commission, the Territory enjoys an allocation of approximately €15.7 million.

VII. Future status of the Territory

A. Position of the territorial Government

52. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

53. On 11 October 2012, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-seventh session of the General Assembly. According to the record of the meeting (A/C.4/67/SR.5), the representative stated, among other things, that the Government of the United Kingdom maintained its long-standing position on the independence of the territories that it administered. Any decision to sever the constitutional link between the United Kingdom and a territory should be taken on the basis of the clear and constitutionally expressed wish of the people of that territory. Where independence was an option and it was the clear and constitutionally expressed wish of the people to pursue independence, the Government of the United Kingdom would meet its obligations to help the territory to achieve it.

54. He referred to the white paper that the Government of the United Kingdom had published in June 2012 confirming the Government's commitment to maintaining the overall relationship between the United Kingdom and the territories. In the introduction, the Government expressed the belief that the fundamental structure of the constitutional relationships was the right one: powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining powers necessary to discharge its sovereign

responsibilities, including to ensure that constitutional arrangements worked effectively to promote the best interests of the territories and of the United Kingdom. The Government recognized that it was important to continue to reflect on the constitutional relationship and would ensure that a dialogue on those issues was sustained with all those territories that wished to engage.

55. He went on to say that the white paper had made it clear that the fundamental responsibility and objective of the Government of the United Kingdom was to ensure the security and good governance of the territories and their peoples. That responsibility flowed from international law, including the Charter of the United Nations. Being an overseas territory of the United Kingdom also entailed responsibilities, however. The Government of the United Kingdom expected territorial Governments to meet the same high standards as it did in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services and building strong and successful communities. The Government of the United Kingdom would take firm and resolute action wherever there was evidence of corruption or maladministration in a territory. He concluded that the relationship between the United Kingdom and its overseas territories continued to be a modern one based on partnership, shared values and the right of each territory to determine whether it wished to stay linked to the United Kingdom or not. For as long as the overseas territories of the United Kingdom wished to retain that link, the Government of the United Kingdom would remain committed to their future development and continued security.

C. Action taken by the General Assembly

56. On 18 December 2012, the General Assembly adopted, without a vote, resolutions 67/132 A and B, based on the report of the Special Committee (A/67/23) and on the subsequent recommendation by the Fourth Committee. Section VII of resolution 67/132 B concerns Montserrat. In the operative paragraphs of that section, the General Assembly:

1. *Welcomes* the approval of a new Constitution for the Territory, which entered into force in 2011, and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Welcomes* the steps towards accession of the Territory, in 2012, to the economic union treaty of the Organization of Eastern Caribbean States and its active participation in the work of the Economic Commission for Latin America and the Caribbean;

4. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.